

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 818\***

**House Bill No. 1677**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-11-130, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Where the defendant in a criminal case executes a bond or recognizance before any court or other person authorized by law to take the same for the defendant's personal appearance before a court to answer a criminal charge, such bond or recognizance shall be valid and binding upon the defendant and the defendant's sureties thereon until the time allowed by law for the defendant to appeal a finding of guilt to the court of criminal appeals. If the defendant timely appeals, the defendant shall be required to make a new bond to the court of criminal appeals unless the trial judge, after examination of the original bond, shall set out in a written order that such original bond is sufficient. Any such order shall state the reasoning of the court for finding that the original bond is sufficient. If the time for appealing to the court of criminal appeals expires and the defendant has not filed an appeal, the bondsman may be required to surrender the defendant to the court for service of sentence.

(b) If the defendant files a timely appeal with the court of criminal appeals, if the defendant is placed on pre-trial or post-plea diversion or community correction, fined or if the defendant's sentence is suspended and probation granted, the defendant shall be required to make a new bond or recognizance notwithstanding that the bond or recognizance executed in

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accordance with subsection (a) has not yet terminated, unless the trial judge, after examination of the original bond, sets out in a written order that such original bond is sufficient. Any such order shall state the reasoning of the court for finding that the original bond is sufficient.

(1) If the defendant files a timely appeal, any new bond or recognizance ordered herein shall be made to the court of criminal appeals and shall not terminate until the final state court to which the defendant may appeal has rendered a decision on such appeal. Upon the conclusion of the appellate process, the bondsman shall be required to surrender the defendant.

(2) If the defendant is placed on pre-trial or post-plea diversion, community correction, fined or if the defendant's sentence is suspended and probation granted, the defendant shall be required to make such new bond or recognizance to the court granting such placement. Such new bond or recognizance may not terminate until the defendant has completed the period of court-ordered supervision or until the defendant's diversion, community correction or probation is revoked. If the defendant's diversion, community correction or probation is revoked, the bondsman may be required to surrender the defendant.

(c). The defendant shall not be required to make any bond or recognizance other than is required by subsections (a) or (b) of this section

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unless ordered to do so by the appropriate court because the bond is insufficient in amount, the defendant's sureties are insolvent, the bail is forfeited, or any other good and sufficient cause; provided, however, sureties on the bond may surrender the defendant and be released on the bond as is provided by law.

SECTION 2. Tennessee Code Annotated, Section 40-11-139, is amended by deleting subsection (b) and by substituting instead the following:

(b) After the expiration of one hundred eighty (180) days from the date:

(1) The surety is served with scire facias; or

(2) Scire facias is returned to the clerk unserved or

undelivered,

the court may enter judgment for the state against the defendant and his sureties for the amount of the bail and costs of the proceedings.

SECTION 3. Tennessee Code Annotated, Section 40-11-142, is amended by deleting the section in its entirety.

SECTION 4. The services performed by the clerks of court under this act with respect to any new bond on appeal, during pretrial diversion, community correction or during probation shall not be included under Tennessee Code Annotated, Section 8-21-401(a)(7)(L) and shall be compensated as otherwise provided by law.

SECTION 5. This act shall take effect July 1, 1997, the public welfare requiring it.

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